

**PLANNING BOARD
RULES OF PROCEDURE
TOWN OF BARRINGTON, NEW HAMPSHIRE**

I. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated. **(RSA) 676:1**. The Planning Board has the discretion to waive the rules of procedure not required by statute when the circumstances warrant such an action. Any waiver shall require a majority vote.

II. MEMBERS AND ALTERNATES

1. Pursuant to a decision made at the December 14, 1970 Special Town Meeting, the Planning Board shall consist of SEVEN (7) members. The Selectmen shall appoint SIX (6) residents of the Town of Barrington to serve as voting members and shall designate ONE (1) selectman to serve as an ex-officio member with the same rights and duties as the voting members.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**.
3. Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as nonvoting members.
4. Up to five residents of the Town of Barrington may be appointed by the Board of Selectmen to serve as alternate members of the Planning Board. Alternate members should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a voting member of the Board is unable to fulfill his/her responsibilities.
5. At Planning Board meetings, alternates who are not activated to fill the seat of an absent or disqualified member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates may sit at the table with the voting members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters, and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the Board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair

shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

6. Members are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Land Use Office as soon as possible. Members, including the chairman and all officers, shall participate in the decision-making process, unless disqualified from doing so, and vote to approve or disapprove all motions under consideration.
7. Each newly appointed or re-appointed member shall be sworn in and take an oath of office as required by **RSA 42:1**, and the Board further recommends that each newly appointed or re-appointed member complete the training offered by the Office of Energy and Planning pursuant to **RSA 673:3-a**.
8. The Land Use Office shall obtain from the Office of the Selectmen for recording, the appointment and expiration dates of the terms of each member of the Board.

III. OFFICERS

1. The officers of the Board shall be as follows:
 - a. Chairman: The Chairman shall preside over all meetings and hearings; shall prepare an annual report; and shall perform other duties customary to the office.
 - b. Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
 - c. In the absence of the Chairman and the Vice Chairman at any meeting, a Presiding Member Pro Temp shall be designated by the Chair or Vice-Chair or elected by majority vote of the members present and shall thereafter act as the presiding officer to call the meeting to order.
2. The officers of the Board shall be elected annually as soon as may be after the Board of Selectman appoints members to any vacancy and those appointments have been qualified. Election of Officers shall be by a majority vote of the Planning Board. If requested by a majority of those present and voting the method of election shall be by written ballot.

IV. MEETINGS

1. **Regular meetings** shall be held at least monthly at the Town Offices at (7:00 PM) on the First Thursday of each month, or with proper notice of date and time at a place designated by the Chair.

- a) All materials to be considered at a Board meeting in order to determine whether an application is complete pursuant to the Town's Subdivision and Site Plan Regulations, internal policies, and RSA 676:4, I (b), shall be furnished to the Land Use Office at least 15 days prior to the meeting at which the application will be reviewed for completeness. The Land Use Office shall provide these materials to the Board at least one week prior to that meeting.
- b) Once an application has been accepted as complete, any additional materials requested by the Board and/or submitted by the applicant, town staff, abutters, or any other party or entity with standing to appear and provide comment, shall provide those materials to the Land Use Office no later than one week prior to the meeting. The Land Use Office shall provide these materials to the Board four (4) days prior to the meeting.
- c) In providing submitted materials to Board members, the Land Use Office may have the materials available at the office for the members to pick up, or may email the materials to each member if those materials are in electronic format.

2. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting. Emergency meetings are an instance of special meeting and are to be conducted pursuant to RSA 91-A: 2 (II).

3. Nonpublic Sessions shall be held only in accordance with **RSA 91-A: 3.**

4. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of voting members.

5. Alternates: If any voting Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a voting member in regards to any matter under consideration on which the alternate has been appointed.

- a) **Absent Voting Member:** If the Board's consideration of action on the application at issue extends to a subsequent Board meeting or hearing, the voting Board member may resume his/her role as a full voting member provided the voting member has reviewed the minutes and any materials submitted at any prior meetings or hearings at which the voting member was not present.

- b) **Disqualified Voting Member:** The alternate should continue in place of the voting member until the Board's action on the application is completed.

6. Disqualification

- a) If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, they shall notify the Chairman as soon as possible so an alternate may be appointed to fill the vacancy. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter. In the event that a member finds it necessary to disqualify themselves after the discussion or the public hearing on the application has commenced, such member shall immediately notify the Chairman so an alternate may be appointed to fill the vacancy. The continuation of the discussion or public hearing shall await the outcome of the possible disqualification.
- b) If uncertainty arises as to whether a Board member should disqualify themselves, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing if possible. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Board members.

7. Order of Business shall be as follows:

- a) **Call to Order:** At the time appointed for any meeting of the Board, the Chairman or, in his/her absence, a designated presiding officer shall be determined and take the Chair and **call the meeting to order**. If a quorum is present, as defined in this section, the presiding officer shall proceed with the order of business prescribed for the meeting.
- b) **Roll Call:** The roll of members shall be called and their presence or absence recorded.
- c) **Minutes of Previous meeting(s)** received, reviewed, approved.
- d) **Hearing(s)** on subdivision/site plans with public comment following each presentation as might be on the agenda. Also, open non-binding consultation with persons seeking a conceptual review.
- e) **Communications received** or directed to the Board.
 - i. Internal Communications
 - ii. External Communications
- f) **Reports** of Officers and/or committees
 - i. Standing committees
 - ii. Ad Hoc committees
- g) **Report** from the Planner

- i. Status of all pending applications
 - ii. Logged events since last report
 - iii. Summary of items being called to the Board's attention
- h) Unfinished business
- i) **Other business** as may properly come before the Board
- j) **Setting of date, time and place of next meeting and Adjournment**

8. Motions: Such motions as will facilitate the processes of the Board may be allowed by the Chair. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members voting. On all matters concerning an application before the Board, voting shall be by recorded roll call. On process and procedural matters the manner of voting shall be at the discretion of the chair.

9. Meeting Decorum: The presiding officer shall be responsible for the orderly conduct of business at each Board meeting. While the Board is in session, the members of the Board are expected to preserve order and decorum and the chair shall monitor that expectation. As illustration and not limitation no Board member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member of the Board while speaking except as may be provided herein.

V. APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

- 1. Applications for hearings before the Board shall be made on forms provided for that purpose and shall be presented to the Board's designee who shall sign and record the date of receipt.
- 2. Notice shall be given as required in **RSA 676:4, 1 (d)**, at least 10 days before a completed application is submitted to the Board.
- 3. Submitted applications shall be scheduled for consideration of completeness at the next regular meeting or within 30 days of submittal.
- 4. The Board shall reject all applications not properly completed.

VI. FORMS: All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

VII. NOTICE

- 1. Public notice of the submission of and public hearings on each application shall be given in a newspaper of general circulation in the Town of Barrington and shall be posted in at least two (2) public places at least ten (10) days prior to the date fixed for submission and consideration of the application, and/ or as further required by the Town's Subdivision and Site Plan Regulations. The Board may combine notice of submission and public hearing on a particular application in one notice.
- 2. Personal notice shall be made by certified mail to the applicant, all abutters and any other appropriate person or entity at least ten (10) days prior to the date fixed for submission of the application to the Board. Such

notice is meant and intended to comply with the provisions of RSA 676:4, I (d).

VIII. PUBLIC HEARINGS: The conduct of public hearings shall be governed by the following rules:

1. The Chairman shall call the hearing in session, identify the applicant or agent and shall read a summary report on the application/proposal and report on the manner in which public and personal notice was given.
2. Members of the Board may ask questions at any point during the presentation.
3. Any party to the matter who desires to ask a question of another party must go through the Chairman.
4. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
5. Each person who speaks shall be required to state their name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
6. The applicant or agent shall be called to present the application/proposal.
7. The Chairman shall ask for public comment.
8. Other parties such as representatives of town departments and other town Boards and commissions who have an interest in the application/proposal shall be allowed to present their comments in person or in writing.
9. The Chairman shall indicate when the Board is no longer taking public comment and whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies.
10. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

IX. DECISIONS

1. The Board shall act to approve, conditionally approve, or disapprove an application within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
2. A written notice of decision will be made available for public inspection at the Barrington Land Use Office within 5 business days after the decision is made, as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.

X. RECORDS

1. The records of the Board shall be kept at the Barrington Land Use Office and shall be made available for public inspection at that Office as required by **RSA 91-A:4**.
2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter

shall be open to public inspection within 5 business days after the meeting as required in **RSA 91-A:2, II**.

3. All motions shall be recorded as made, noting the motion maker, second, discussion if any, and the vote. If by Voice or Rising then as "Carried" or "Failed" with the numerical outcome, for example: Motion Carried (5/2) (Y/N). If the vote is Roll Call then by the Identifier for each member and his/her vote with comment as to whether or not the motion carried, for example (M1-Yes)(M2-No)(M3-Yes)(M4-No) (M5-No)(M6-Yes)(M7-No).

XI. JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other "land use Boards" including the Board of Adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.
3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
4. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - a. Call to order by Chairman
 - b. Introduction of members of both Boards by Chairman
 - c. Explanation of reason for joint meeting/hearing by Chairman
 - d. In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal, and the public allowed to provide comment.
 - e. Adjournment
6. Each Board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

XII. AMENDMENT: The Board's Rules of Procedure may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. The Notice for the time and place of the hearing shall be as provided in RSA 91-A. The amended procedures shall be filed with the municipal clerk.